

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DIETGOAL INNOVATIONS LLC

vs.

**ARBY'S RESTAURANT GROUP, INC.,
ET AL.**

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Cause No. 2:11cv418

ORDER GRANTING JOINT MOTION TO SEVER

The above-entitled and numbered cause of action was referred to the undersigned United States Magistrate Judge for pre-trial purposes in accordance with 28 U.S.C. § 636. The following pending motion is before the Court: Defendants Doctor's Associates, Inc. d/b/a Subway and Red Robin International, Inc.'s Joint Motion to Sever (Docket Entry #592). The Court, having reviewed the motion and noting Plaintiff does not oppose the motion,¹ is of the opinion the motion to sever should be **GRANTED**. Accordingly, it is

ORDERED that Plaintiff's claims pertaining to Defendants be severed into separate causes of action as follows:

1. Doctor's Associates, Inc. d/b/a Subway (Cause No. 2:12cv736); and
2. Red Robin International, Inc. (Cause No. 2:12cv737).

It is further

¹ However, pursuant to Federal Rule of Civil Procedure 42, Plaintiff asserts it claims against Defendant should be consolidated for pretrial purposes with the other co-pending lawsuits brought by Plaintiff involving the same patent and issues. Although the Court declines to consolidate the *DietGoal* actions for pretrial purposes, the Court will attempt to maintain these cases on a coordinated schedule with the above-referenced cause of action and other co-pending lawsuits.

ORDERED that the filing fee is waived for the severed cases. The Clerk of the Court shall docket in each severed case this order as well as Plaintiff's Second Amended Complaint (Docket Entry #78) and all relevant responsive briefs thereto.

SIGNED this 27th day of November, 2012.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE